

1 **TEKER TORRES & TEKER, P.C.**

SUITE 2A, 130 ASPINALL AVENUE

2 HAGĀTNA, GUAM 96910

TELEPHONE: (671) 477-9891-4

3 FACSIMILE: (671) 472-2601

FILED
DISTRICT COURT OF GUAM

AUG 27 2008 *hbx*

4 Attorneys for Defendant

5 **925 Mine**

JEANNE G. QUINATA
Clerk of Court

6
7 IN THE DISTRICT COURT OF GUAM

8
9 CHROME HEARTS LLC.,)

10 Plaintiff,)

11 vs.)

12 ALMA SHOP; JUNG WOO NAM; HAPPY)

HAPPY GIFT SHOP; BON SUN AHN;)

13 GUAM PALM CORPORATION doing)
business as HAWAIIAN SILVER; YOUNG)

14 SAN NICOLAS; 925 MINE; HUNG BUM)

CHOI; ASHINN SHIATSU MASSAGE;)

15 GARDEN JEWELRY; FEN SHAN PIAO;)

A+ ACCESSORY PLUS dba KYODA; and)

16 KAWAII GIFT SHOP; UNE JOO CHUNG,)

17 Defendants.)

CIVIL CASE NO. 08-00009

**DEFENDANT 925 MINE'S
ANSWER TO COMPLAINT**

18
19 Now comes Defendant 925 MINE, and states the following as its Answer to Plaintiff's

20 Complaint:

21 ***First Affirmative Defense***

22 The Complaint fails to state a claim against this Defendant upon which relief can be
23 granted.

ORIGINAL

1 ***Second Affirmative Defense***

2 Defendant 925 MINE denies the allegations in paragraphs 5(b), 32, 36, 37, 39, 40,
3 50, 52 and 57 of the Complaint.

4 ***Third Affirmative Defense***

5 Defendant 925 MINE is without information and belief to ascertain the truth of falsity
6 of paragraphs 1, 2(a), 2(b), 3(a), 3(b), 4(a), 4(b), 5(a), 5(b), 6, 7(a), 7(b), 8, 9(a), 9(b),
7 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 35, 38, 41, 43, 44, 45,
8 46, 47, 48, 49, 54, 55 and 56 and, therefore, denies on that basis.

9 ***Fourth Affirmative Defense***

10 With respect to paragraph 5(a), Defendant 925 MINE admits the allegation of
11 paragraph 1 with respect to jurisdiction and it being an entity organized and existing under
12 the laws of Guam, however, Defendants deny the remainder of paragraph 5(a) of the
13 Complaint.

14 ***Fifth Affirmative Defense***

15 With respect to paragraphs 26, 33, 42, 51 and 53, Defendants reallege and
16 incorporate their responses previously set forth herein.

17 ***Sixth Affirmative Defense***

18 In paragraphs 27, 28, 29, 30 and 31, Plaintiff generally alleges acts against
19 Defendants, as a group, for copyright infringement without identifying any act allegedly
20 done by Defendant 925 Mine , a violation of Rule 8 of the Federal Rules of Civil Procedure.

21 ***Seventh Affirmative Defense***

22 In paragraphs 35, 36, 37, 39 and 40, Plaintiff generally alleges acts against
23 Defendants, as a group, for trademark infringement without identifying any act allegedly

1 done by Defendant 925 Mine , a violation of Rule 8 of the Federal Rules of Civil Procedure.

2 ***Eighth Affirmative Defense***

3 In paragraphs 47, 48 and 49, Plaintiff generally alleges acts against Defendants, as
4 a group, for unfair competition without identifying any act allegedly done by Defendant 925
5 Mine , a violation of Rule 8 of the Federal Rules of Civil Procedure.

6 ***Ninth Affirmative Defense***

7 In paragraph 52, Plaintiff generally alleges acts against Defendants, as a group, for
8 dilution without identifying any act allegedly done by Defendant 925 Mine , a violation of
9 Rule 8 of the Federal Rules of Civil Procedure.

10 ***Tenth Affirmative Defense***

11 In paragraphs 54, 55 and 56, Plaintiff generally alleges acts against Defendants, as
12 a group, for common law unfair competition and trademark infringement without
13 identifying any act allegedly done by Defendant 925 Mine , a violation of Rule 8 of the
14 Federal Rules of Civil Procedure.

15 ***Eleventh Affirmative Defense***

16 Defendant 925 MINE denies each and every allegation not generally admitted or
17 denied above.

18 ***Twelfth Affirmative Defense***

19 This Court lacks jurisdiction to hear this matter.

20 ***Thirteenth Affirmative Defense***

21 Plaintiffs are barred from asserting claims under the doctrines of Estoppel, Laches
22 and Waiver.

23 ///

1 **Fourteenth Affirmative Defense**

2 Plaintiff's claims fail to comply with federal law prerequisites to the filing of a
3 Complaint in Federal Court.

4 **Fifteenth Affirmative Defense**

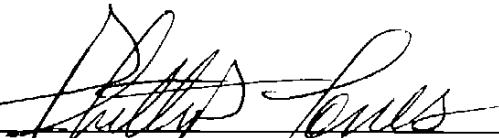
5 Plaintiff's claims are barred by the statute of limitations.

6 WHEREFORE, Defendant 925 Mine prays for Judgment as follows:

- 7 1. That Plaintiff takes nothing by its complaint.
8 2. For attorney's fees and costs in the defense of this action.
9 3. That the Court enter such other and further relief as it may deem just.

10 Dated at Hagåtña, Guam on this 25th day of August, 2008.

11 **TEKER TORRES & TEKER, P.C.**

12
13 By 
14 **PHILLIP TORRES, ESQ.**
Attorneys for Defendant **925 Mine**

15
16 M:\COMMON\USERS\#PLEADINGS\925 MINE - CIV08-00009\001 ANSWER.wpd

17
18
19
20
21
22
23
TEKER TORRES & TEKER, P.C.
SUITE 2A, 130 ASPINALL AVENUE
HAGÁTÑA, GUAM 96910
TELEPHONE: (671) 477-9891-4